

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gregory W. Goodknight

Confirmation No.: 4235

Serial No.: 09/773,393 Examiner: Donald L. Mills

Filed: January 31, 2001 Group Art Unit: 2616

For: PACKET TELEPHONY ACROSS THE PUBLIC SWITCHED
TELEPHONE NETWORK

Date: November 15, 2007

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Commissioner for Patents
P.O. Box 1450
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ARGUMENTS IN SUPPORT OF PRE-APPEAL BRIEF CONFERENCE

The ITU V.8bis (1999) reference does not teach or suggest the claimed invention

The office action mailed September 13, 2007 relies upon International Telecommunications Union Recommendation V.bis (1999) as prior art. The Applicant's Specification (p. 6) discusses this recommendation at length and points out significant areas that are not contained in the V.8bis (1999) reference.

The office action states, "V.8 bis allows the multifunction terminals to allow a desired communication mode...and provides user friendly switching from *normal voice telephony to a modem-based communications mode* [emphasis added]." (p. 3). Further, on page 5, the office action refers to the multifunction terminals as 'modems.'

The instant invention is not directed to modem communications across the PSTN, the instant invention is related to Packet Relay Across Telephone (PRAT). As claimed in claim 22, the device, a packet device, has a converter that receives “*a packet data stream intended for a packet domain and [to] convert[s] the packet data stream into an altered data stream intended for transmission through a public switched telephone network...*” The altered data stream is the data stream that has been operated on by the converter. As stated in the Applicants’ specification, one example of a converter is a modem (p. 3, line 19).

ITU V.8bis refers to switching between voice (standard PSTN) calls and data (modem) calls. The voice calls are standard PSTN signaling and are not packet data streams. Further, if the call switches to a modem call, it employs the converter (modem) to convert the data to modem tones for transmission across the PSTN. This would be analogous to sending *an altered data stream*.

Claim 22 clearly requires that, if the other device is also a *packet* device (not a modem), the *packet data stream* (unaltered) is sent to the other device. The device of the claim also has the capability to use the converter (modem) if the other device is *not* a packet device to send the *altered* (packet to PSTN modem stream) to the other device. However, the claim requires that the device be able to send the packet stream to the other device, not just the altered stream.

This is not shown, taught or suggested by the reference.

Indeed, the follow-on recommendation, V.8bis (2000) actually published in September of 2001, was originally cited by the Examiner against this case. However, this was not a valid reference, as it published after the filing of this patent application (January 2001). As described in the specification of the instant application, it is the general ability to “exchange and select

non-standard modes of operation” (V.8bis 11/2000 Appendix I.9) that allows the ability of packet devices to recognize each other across the PSTN within the V.8 bis framework.

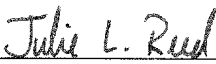
Further, even though V.8bis has this non-standard mode of operation capability, the extension of this ability to select non-standard modes of operation is not shown or taught by the later version (11/2000) of the V.8bis recommendation.

The Applicant also asserts all arguments made previously, whether or not explicitly discussed herein, to preserve the right to assert these arguments in the Appeal Brief.

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Respectfully submitted,

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